

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/781,912

Mark:



Filed: December 28, 2005

Published in the *Official Gazette*: June 10, 2008

Continental Aktiengesellschaft

Opposer,

v.

Ariete Production

Applicant.

Opposition No. 91186892

MOTION FOR DEFAULT JUDGMENT BASED ON FAILURE TO ANSWER

Opposer, Continental Aktiengesellschaft, hereby moves pursuant to TBMP §508 and 37 C.F.R. § 2.106(a) for Default Judgment based on Applicant's failure to answer. An Answer to the Notice of Opposition was due on November 18, 2008 and to date no Answer has been filed or served on Opposer.

WHEREFORE, Opposer requests that the Board enter a Default Judgment in favor of Opposer, that registration of U.S. Application Serial No. 78/781,912 for CONTI MOTORS & Design be refused and that this Opposition be sustained in favor of Opposer.

The Commissioner is hereby authorized at any time to charge any fees required, or credit any overpayment, to Deposit Account No. 18-0350.

Respectfully submitted,

RatnerPrestia

By: 

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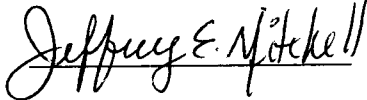
Dated: December 3, 2008

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the document identified below was served on December 3, 2008 by overnight courier on the following counsel of record:

Title of Document: MOTION FOR DEFAULT JUDGMENT BASED ON FAILURE TO ANSWER

Names of Parties Served: John S. Egbert
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